UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,705	05/02/2001	Christopher F. Weight	MS1-907US	7940

22801	7590	10/30/2007	

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EXAMINER
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ART UNIT	PAPER NUMBER
2176	

MAIL DATE	DELIVERY MODE
10/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/848,705	WEIGHT, CHRISTOPHER F.
	Examiner	Art Unit
	William L. Bashore	2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>23 August 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-38</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-38</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>8/23/07</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: amendment filed 8/23/2007, to the original application

filed **5/2/2001**.

2.   Claims 1-38 pending. Claims 1, 12, 20, 25, 31, 34 are independent claims.

Claim Rejections - 35 USC § 103

3.   **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness**

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the
> differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall
> not be negatived by the manner in which the invention was made.

4.   **Claims 1, 3-26, 28-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fields et al.**

(hereinafter Fields), U.S. Patent No. 6,128,655 issued October 2000, in view of Matsumoto et al.

(hereinafter Matsumoto), U.S. Patent No. 6,763,334 filed 12/9/1999 and issued July 2004, and in view of

Runge et al. (hereinafter Runge), U.S. Publication Number 2002/0016735, published February 2002,

provisional filing date of June 26, 2000.

        In regard to independent claim 1, Fields teaches a host Website accepting (retrieving) new content

from a plurality of Web content provider locations, the content retrieved intended to be ultimately reformatted as

necessary and displayed on a Web page (Fields column 2 lines 36-51; compare with claim 1 *"A method*

comprising: ", and *"retrieving content from a plurality of content providers, wherein the retrieved content is to*

be displayed in at least one Web page;")

Fields does not specifically teach after a time interval, determining whether each provider has new content to retrieve. However, Runge teaches an advertising system whereby at a predetermined date before a classified ad expires (a time interval), Runge e-mails an expiration/renewal notice to customer accounts (Runge paragraph [0059] (see also page 17 of Runge's provisional application). It is well established within classified advertising that ads typically change content (i.e. lowering home prices, etc.), therefore upon ad renewal, a receiver would only receive new (updated) content for filtering, and would not typically require sending in the exact same content if no new content is present, since the previous ad had previously been filtered. It is also well established that Runge would keep a file of accounts for renewal, new content, etc. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Runge to Fields, providing Fields the benefit of predetermined renewal notices and receiving new content for reminding customers accordingly.

Fields teaches a host enacting a "filter policy" (i.e. a schema file) for a particular Web content provider's submission format for parsing specific content (i.e. validating licensing, accepting specific ads, etc.) (Fields column 10 lines 23-37). Fields does not specifically teach verifying via comparison of a data structure of the retrieved content with a data structure defined in a schema file. However, Fields teaches an agreed on set of tags, said tags can be special embedded tags identifying content areas. Fields also teaches said tags can be formalized as an XML document type definition (DTD) (Fields column 12 lines 30-44). Since a DTD can be interpreted as a form of schema file used for defining tags, etc. (i.e. data structures) as explained above, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply said DTD as a part of Fields's filter policy for verifying the format of retrieved content, providing the benefit of a well formed and concise final document (compare with claim 1 *"verifying the format of the retrieved content...in a schema file"*).

Fields teaches rejecting content if content portions do not match the specific policy for a provider's content format (i.e. if said policy dictates a publishers ads are not to be passed through, said ad content is deemed invalid, and is rejected, or at the very least, the ad is edited out of the content) see Fields column 10 lines 27-32; compare with claim 1 *"rejecting particular content if the particular content format is not valid:"*).

Fields teaches if a host Web site deems content is valid via adherence to its specific policy, said content

is reformatted and displayed in a Web site accordingly (e.g. ad banners, etc) (see Fields column 8 lines 45-55,

also ad banner item 313 – Figure 4B). Fields does not specifically teach scheduling said content for publishing

at a scheduled time. However, Matsumoto teaches arranging delivery of advertisements over the Internet,

whereby an ad banner campaign is negotiated for a start and end period of time of published ads accordingly

(Matsumoto Abstract, column 5 lines 12-22, 55-67, column 6 lines 1-8, especially column 7 lines 1-8, also

Figure 3 item 23, and Figure 5 – "Campaigning Period" and "Copy and Layout of advertisement"). It is noted

that the scheduled inputted start/end period of time can be reasonably interpreted as start/end time "attributes"

associated with the ad, and that said ad is published between said scheduled start/end times, after which said ad

is removed accordingly (compare the above with claim 1 "*scheduling the particular content....displayed by a*

Web server."). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply

Matsumoto to Fields, providing Fields the benefit of providing for publishing scheduled banner ad campaigns

(e.g. to Fields's Figure 4B banner ad), pending agreement and policy approval, therefore facilitating sales.

In regard to dependent claims 3, 4, Fields teaches automatically updating content on a Web page,

which involves replacing (deleting the old content) with new content (Fields column 2 lines 52-54).

In regard to dependent claims 5, 6, 7, 8, Fields teaches XML (Fields column 7 lines 57-62, column 12

lines 4-9).

Fields does not specifically teach a database for storing content. However, this limitation would have

been obvious to one of ordinary skill in the art at the time of the invention, because Fields teaches a filter

database (Fields column 7 lines 55-65) which suggests a database for storing content data along with data used

in the content analysis, providing the benefit of an orderly arrangement of searchable content.

Claim 7 incorporates substantially similar subject matter as claimed in claim 1, and is rejected along the

same rationale.

In regard to dependent claims 9, 10, 11, claims 9-11 incorporate substantially similar subject matter as claimed in claim 1, and in further view of the following, is rejected along the same rationale. Fields teaches a schema and definition file in the form of a filter and filter database (Fields column 7 lines 55-65). Fields also teaches a hard drive (Fields Figure 7 item 726).

In regard to independent claim 12, claim 12 incorporates substantially similar subject matter as claimed in claim 1, and in further view of the following, is rejected along the same rationale.

Fields does not specifically teach a database for storing content. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, because Fields teaches a filter database (Fields column 7 lines 55-65) which suggests a database for storing content data along with data used in the content analysis, providing the benefit of an orderly arrangement of searchable content.

In regard to dependent claims 13, 14, 15, claims 13, 14, 15 incorporate substantially similar subject matter as claimed in claims 8, and 1, and are rejected along the same rationale.

In regard to dependent claims 16, 17, 18, 19, claims 16, 17, 18, 19 incorporate substantially similar subject matter as claimed in claims 1, 3, 7, 11, respectively, and are rejected along the same rationale.

In regard to independent claim 20, claim 20 incorporates substantially similar subject matter as claimed in claim 1, and in further view of the following, is rejected along the same rationale.

Fields does not specifically teach a database for storing content. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, because Fields teaches a filter database (Fields column 7 lines 55-65) which suggests a database for storing content data along with data used in the content analysis, providing the benefit of an orderly arrangement of searchable content.

In regard to dependent claims 21, 22, 23, 24, claims 21, 22, 23, 24 incorporate substantially similar

subject matter as claimed in claims 1, 1, 1, 11, respectively, and are rejected along the same rationale.

In regard to independent claim 25, claim 25 reflects the apparatus comprising computer executable

instructions used in performing the methods as claimed in claim 1, and is rejected along the same rationale.

In regard to dependent claim 26, Field teaches reformatting (re-editing) retrieved content (Fields

column 8 lines 45-50).

In regard to dependent claims 28, 30, claims 28, 30 reflect the apparatus comprising computer

executable instructions used in performing the methods as claimed in claims 1, 8 respectively, and are rejected

along the same rationale.

In regard to dependent claim 29, Fields does not specifically teach a database for storing content.

However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention,

because Fields teaches a filter database (Fields column 7 lines 55-65) which suggests a database for storing

content data along with data used in the content analysis, providing the benefit of an orderly arrangement of

searchable content.

In regard to independent claim 31, claim 31 reflects the system comprising computer executable

instructions used in performing the methods as claimed in claim 1, and in further view of the following, is

rejected along the same rationale.

Fields teaches XML (Fields column 7 lines 57-62, column 12 lines 4-9).

Fields does not specifically teach a database for storing content. However, this limitation would have

been obvious to one of ordinary skill in the art at the time of the invention, because Fields teaches a filter

database (Fields column 7 lines 55-65) which suggests a database for storing content data along with data used

in the content analysis, providing the benefit of an orderly arrangement of searchable content.

In regard to dependent claims 32, 33, claims 32, 33 reflect the system comprising computer

executable instructions used in performing the methods as claimed in claim 1, and is rejected along the same

rationale.

In regard to independent claim 34, claim 34 reflects the computer program product comprising

computer executable instructions used in performing the methods as claimed in claim 1, and is rejected along the

same rationale.

In regard to dependent claims 35, 36, 37, 38, claims 35, 36, 37, 38 reflect the computer program

product comprising computer executable instructions used in performing the methods as claimed in claims 8, 6,

1, 1 respectively, and are rejected along the same rationale.

5.   **Claims 2, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fields, in view of**

Matsumoto and Runge, as applied to claims 1 and 25 above, and further in view of Bernardo et al.

(hereinafter Bernardo), U.S. Patent No. 6,247,032 issued June 2001.

In regard to dependent claims 2, 27, Fields does not specifically teach a test page, then a live Web

page. However, Bernardo teaches an approval process, whereby a user approves content (offline). When said

content is approved, then it is ultimately published (Bernardo Figure 3 items 20, 22, 30, 24). It would have been

obvious to one of ordinary skill in the art at the time of the invention to apply Bernardo to Fields, providing

Fields the benefit of offline testing, so as to flag objectionable and/or invalid content.

Response to Arguments

6.   Applicant's arguments with respect to the pending claims have been considered but are moot in view of

the new ground(s) of rejection (introduction of the Runge reference).

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth

in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the

mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this

final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no

event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this

final action.

Any inquiry concerning this communication or earlier communications from the examiner should be

directed to William L. Bashore whose telephone number is (571) 272-4088. The examiner can normally be

reached on 9:00 am - 5:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug

Hutton can be reached on (571) 272-4137. The fax phone number for the organization where this application or

proceeding is assigned is 571-273-8300.

8.   Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained from

either Private PAIR or Public PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-

9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the

automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WILLIAM BASHORE
PRIMARY EXAMINER

October 27, 2007